

## REMARKS

Claims 1-3 and 6-16 are pending in the application.

### Drawings

A new drawing sheet is submitted in response to the drawing objection under 37 CFR 1.83(a). The drawing shows schematically the drive and the rolls acting on the actuating arms as described in paragraph 0014 of the specification.

The specification has been amended in view of the changes to the drawings.

### Rejection under 35 U.S.C. 102

Claims 1-3, 6-9, 12-15 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Krann* (FR 2,529,813).

Claim 1 as amended claims second arms each having an end face and the end faces are facing one another. The second arms each comprise a separate cutting insert and the shearing edges are arranged on the cutting inserts. The cutting inserts are detachably fastened to and arranged entirely within the end faces of the second arms, respectively. The cutting inserts are identical and are mirror-symmetrically arranged relative to one another. The cutting inserts are staggered relative to one another in a direction of a pivot axis of the pivots such that the shearing edges are positioned in a common shearing plane.

The cited reference shows a cutting device with two cutting inserts 8, 10 that are provided at the upper arms 1 as illustrated in Fig. 1. As shown in Fig. 1, the cutting inserts 8, 10 project upwardly past the arms 1 by almost half the height of the cutting inserts. The cutting inserts are therefore not arranged entirely within the facing end faces of the arms. This is disadvantageous because the cutting inserts 8, 10 are not supported across their entire height during the cutting process by means of the arms 1.

The two cutting inserts 8, 10 of *Krann* are also not identical. The insert 8 is U-shaped in cross-section (see Fig. 3b) while the cutting insert 10 is a rectangular element in cross-section (see Fig. 3b). When a cutting process is carried out, the cutting insert 10 moves into the space between the legs 8a, 8b of the cutting insert 8; the inner sides 9a, 9b provide a guiding action for the cutting insert 10 when a cut is performed (see page 4, lines 36, to page 5, line 6, of the reference: width B is identical to width D). Because of the

disclosed configuration, the cutting inserts 8, 10 are positioned opposite one another in such a way that their center planes are in a common plane (Fig. 2). The inserts 8, 10 are not identical and are not arranged mirror-symmetrical to one another.

The present invention differs from this configuration in that the cutting inserts 24, 25 are identical and are mounted within the end faces 12, 13 of the second arms 10, 11 mirror-symmetrical to one another (see Fig.2) . They do not project upwardly past the pivot levers 1, 2 (see Fig. 1). Accordingly, the cutting inserts 24, 25 are supported completely on the arms 10, 11 of the pivot levers 1, 2 during the cutting process. In this way, even high shearing forces can provide a clean cut without burrs.

Since cutting inserts 24, 25 are identical (see paragraph 0015), the manufacturing process is simplified because only one type of cutting insert must not be produced . This has also the advantage that the arms 10, 11 of the pivot levers 1,2 can have the same configuration since the receptacles for the cutting inserts are the same.

The cutting inserts 24, 25 are identical and are therefore positioned with regard to the pivot axis in a staggered position relative to one another within the arms 10, 11 of the pivot levers 1, 2 (see Figs. 2 and 3). The two cutting inserts 24, 25 are therefore moved past one another during the cutting process and operate like shears.

Another difference is that the device of the present invention has a connector in the form of bracket 17 for attaching a motor drive. The device of the cited reference has no connecting possibility for a motor drive. The actuating levers 1 are connected by bolts 7 to the manual drive device 5. The device according to the cited reference has at the free end of the actuating levers 1 slanted surfaces but these slanted surfaces have no function in regard to moving the levers. The slanted surfaces 18, 19 of the device of the present invention however cooperate with the rolls of the motor drive and cause the pivot movement of the levers 1, 2 when the drive is actuated. For pivoting the levers 1, 2 in the device of *Krann*, the manual drive device 5 is provided. This manual drive principle differs significantly from that of the present invention: the drive action of the manual drive causes a rotation at the bolts 7 to force the levers apart. There is no force acting on slanted surfaces.

Claim 1 and its dependent claims are therefore not anticipated by the cited reference.

### Rejection under 35 U.S.C. 103

Claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Krann* (FR 2,259,813) and *Yoshimizu et al.* (DE 195 15 955 A1).

Claims 10 and 11 are believed to be allowable as dependent claims of claim 1.

Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Krann* (FR 2,259,813) and *Admitted Prior Art* (AAP - pages 5-6, paragraph 0014).

The examiner states that *Admitted Prior Art* (AAP) acknowledges that “the claimed drive device is known in the art to drive bolt cutters especially to provide the cutter with a positive drive for the cutting operation”. This is incorrect.

The paragraph originally reads as follows (emphasis added):

“The brackets 17 are used to connect the cutting device to a drive device (not illustrated). Such a drive device is known in the art and is therefore not explained in more detail in this connection. **Such drive devices are used in connection with presses or pressing tongs** and have rolls that are fastened on a movable drive rod.”

The disclosure only sets forth that the drive device to be used in connection with the cutter according to the invention is known in connection with pressing devices or pressing tongs. This paragraph does not set forth that drives are known in connection with cutters. This paragraph sets forth that drives that are known in connection with pressing devices have a certain configuration (drive rod with rolls connected thereto). The pressing tongs serve for deforming pipes radially in order to fixedly connect a pipe to a coupling member (fitting). Such pressing devices are not configured to perform a cut and cannot perform a cut on threaded rods, round bars or similar materials (bolts etc.). The cited paragraph 0014 of the instant application does not disclose anything but driving devices being known in connection with pressing tongs and how such a driving device, in accordance with the invention, can be used in connection with a cutter. Therefore, an inventive step is involved in order to provide a cutting device with a drive device that is known only in connection with pressing devices.

Even if a person skilled in the art were to consider to provide the cutting device of FR 2, 529,813 with a drive device as known in the art for pressing devices, it is not possible to do so. The cutting device of *Krann* has a manual drive connected by bolts to the ends

of the levers. There is no attachment possibility for connecting a motor drive to the device of *Krann*. This would require fittings like the brackets 17 of the present invention; this is not obvious in view of *Krann* and the basic disclosure of drives being known in connection with pressing devices.

In regard to the features that have been added to claim 16 with the instant amendment, reference is being had to the discussion above in regard to the 102 rejection.

Claim 16 is therefore not obvious in view of *Krann* and *AAP*.

The examiner has cited several references that concern cutting devices; however, the cutting devices have a configuration that is significantly different from that of the present invention.

U.S. 4,531,289 shows a cutting device in which the actuating levers 7, 9 are hydraulically actuated. For this purpose, the cutting device is provided with a hydraulic drive and a hydraulic piston 29. Obviously, this type of device has nothing in common with the invention as claimed.

U.S. 3 5,432 shows a similar cutting device operated by hydraulic drive. This cutting device is also not comparable to the device of the present invention.

U.S. 5,987,750 shows a manually actuated cutting device that has no connecting possibilities for a motor drive.

U.S. 4,599,795 shows also a mechanical cutting device in which the drive is realized by a toothed rod mechanism. In this device it is also not possible to connect a motor drive to the device in order to drive the actuating levers for the cutting process.

U.S. 4,549,349 shows a cutting device in the form of shears that are hydraulically operated. For this purpose, two hoses 15, 16 are connected to the cutting device.

U.S. 2003/0005586 shows also a manually operated cutting device. A connector for a motor drive is not provided.

The cutting device of U.S. 2,494,996 is also not provided with a connector for a motor drive.

All of these references cited to by the examiner underscore that it not common or obvious to provide a cutting device with a connector for a motor drive. Even in the year 2003 (U.S. 2003/0005586) the cutting devices are still manually operated. It also is

important in this connection to note that the cited prior art references show that cutting devices at the time the instant application was filed are connected exclusively to manual drives. The examiner's argument that it is obvious to provide a motor drive on such cutters is essentially invalidated by all the references cited by the examiner.

Applicant would like to stress again that paragraph 0014 of the instant application only discloses that drive devices are known **in connection with pressing tongs**. There is no disclosure in this paragraph that drive devices are known in connection with cutting devices. Pressing tongs and cutting devices perform different functions and operate quite differently so that it is not obvious to apply a motor drive known in connection with pressing tongs to a cutting device such as a bolt cutter.

### **CONCLUSION**

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or **e-mail** from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on September 13, 2006,

/Gudrun E. Hockett/

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Ms. Gudrun E. Hockett, Ph.D.  
Patent Agent, Registration No. 35,747  
Lönsstr. 53  
42289 Wuppertal  
GERMANY  
Telephone: +49-202-257-0371  
Facsimile: +49-202-257-0372  
gudrun.draudt@t-online.de

GEH

Encl.: new drawing sheet/s Fig. 1a (1 sheet/s)